



*Sheriff Christopher D. Connelly*  
Chairman

# State of New Hampshire

## POLICE STANDARDS & TRAINING COUNCIL

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*John V. Scippa*  
Director

### PUBLIC MINUTES

#### Police Standards and Training Council

#### September 28, 2021

In attendance:

Chairman, Sheriff Chris Connelly, Hillsborough County  
Vice Chairperson, Commissioner Helen Hanks, New Hampshire Department of Corrections  
Sheriff Massahos, Rockingham County Sheriff's Office  
Mr. Edward Lecius  
Judge Sawako Gardner, Circuit Court Judge  
Deputy Attorney General, Jane Young  
Jason Bishop, Community College System of New Hampshire  
Chief Ho-Sing-Loy, Sugar Hill Police Department  
Chief Steven Russo, Keene Police Department  
Colonel Nathan Noyes, New Hampshire State Police  
Dr. Maureen Sullivan  
Judge Melissa Countway 3<sup>rd</sup> Circuit District Division, Ossipee  
Chief Michael Carignan, Nashua Police Department

Staff Present: Director John Scippa, Major David Parenteau, (Ret.) Major Max Schultz, Captain Adam Hawkins, and Anne Paquin, Investigative Paralegal.

Guests Present: AAG Stacie Moeser, PSTC counsel; Corporal Justin Washburn, Bartlett Police Department with Patrick Murphy; Director Christopher Kench with COT's Juan Ulloa-Labeet and Jacob Tokarz; Chief Aaron Berube with Detective Kennedy Richard.

Chairman Connelly called the meeting to order at 9:08 a.m.

He reading the following into the record:

These hearings are presumed to be heard in public session. You are entitled to request that the hearing be held in non-public session. If you choose to make that request, you are required to provide "relevant facts and factors" for the Council to consider "in making an independent, case-specific and fact-based determination to hold a decertification hearing in non-public session. The Council may not enter into a non-public session or seal the

minutes of a non-public decertification hearing, “if the only reason for prohibiting public access is that the respondent in the decertification hearing has so requested.

If the Council grants your request to have your hearing held in non-public session, please be advised that if the Council issues an order finding cause to take action on your certification, they will reconsider whether the testimony offered at the hearing will be sealed. The authority to hear cases involving public employees in non-public session is contained in RSA 91-A:3, III and is not automatic”.

Motion to approve the public minutes from August 28, 2021 by Mr. Lecius, seconded by Commissioner Hanks, the voice vote was unanimous with Mr. Bishop and Judge Gardner abstaining.

Motion to approve the nonpublic minutes on the reason for nonpublic session for Logan Basta of Northumberland Police Department by Mr. Lecius, seconded by Commissioner Hanks, the voice vote was unanimous with Mr. Bishop and Judge Gardner abstaining.

Motion to approve the nonpublic minutes for Logan Basta of the Northumberland Police Department by Commissioner Hanks, seconded by Chief Russo, the voice vote was unanimous with Mr. Bishop and Judge Gardner abstaining.

Motion to approve the nonpublic minutes for the reason for a nonpublic session for Jillian Decker by Judge Countway, seconded by Dr. Sullivan, the voice vote was unanimous with Mr. Bishop and Judge Gardner abstaining.

Director’s Report (Copy attached)

“The Evaluation of the Training Curriculum for New Police Recruits in New Hampshire: A Job Task Analysis” was introduced by Director Scippa as part of his monthly report, and is also attached.

Director Scippa’s report had been emailed to Council members the night before the meeting. He expanded on some of the items in his report.

Benchmark

Any agency that submits paper documents to the academy will be reminded to use Benchmark. Director Scippa expressed appreciation for the work done by Chris Collman and Captain Adam Hawkins in addressing all issues regarding Benchmark.

Director Scippa thanked PSTC’s attorney, Stacie Moeser for her assistance with the many 91-A requests received by PSTC.

The Job Task Analysis for New Hampshire law enforcement is finished. Kaitlyn Sawler, assisted by Professor Kevin O’Shea and Professor Robert Eckstein of the Justice Studies Program at UNH did a phenomenal job.

Director Scippa had a Zoom meeting with Kaitlyn Sawler and Dr. Eckstein, many good things have come from the initiative.

- UNH realized that it would be beneficial for the collaboration to continue
- We would like to conduct a job task analysis for the Correction's staff
- We would like to conduct interviews regarding the job task analysis that was recently completed to identify new topics for both the recruit academy and for in-service classes
- The work product from the JTA is tremendous
- There were very few discrepancies

### Police Misconduct Committee

The Police Misconduct Committee meets every Thursday at 2:00 p.m. in the Legislative Office Building on the third floor. These are open meetings and Council members are encouraged to attend.

There has been some discussion, a suggestion to diminish the Council's authority, reduce the oversight on police training and certification. There are different opinions from members of the Committee.

The most important thing is that Police Standards and Training Council has been doing this job since 1971. A lot of the work of the Council was done in non-public sessions. Now with the changes occurring, the lawsuit decision, most everything is in public session and it will help educate people in our state.

Commissioner Hanks made note that the Police Misconduct Committee has invited the Department of Corrections to the meeting to present information. It's important to share that the Committee refers to certified law enforcement with full arrest powers. The corrections officers have limited arrest powers on their grounds, and probation/parole officers have limited authority for arrest within their scope of duties. They do not meet the definition of full arrest powers. The Committee focuses on only police authority, the language is important.

Chief Russo commented that he had read the notes from the Committee meeting. They discuss the definition of 'misconduct'.

- Recently a legislative bill passed to define misconduct and officers have to report misconduct;
- Is there a reason to create another definition of misconduct?
- There would be two definitions of misconduct –
  - one for the Committee
  - one that requires officers to report misconduct.

Director Scippa answered that there would actually be three definitions of misconduct because under Pol 402.02, there is a list of misconduct as well. Director Scippa has brought that item to discuss with the Police Misconduct Committee.

There is some value in trying to move the concept forward. Creating separate entities, or different levels of standard, is not going to be helpful to the goal. It will end up causing more confusion and miscommunication, which will translate to frustration with the public. Different entities looking at different definitions of misconduct will not serve a purpose.

It is a difficult conversation with many different perspectives being represented. Every person on the Committee, in their heart, is trying to do the right thing, trying to look at it with an objective, critical eye, make it valuable, efficient, not confusing, not causing three or four different investigations at the same time.

The answer is that it already exists. We can augment what we do, but that is the most efficient, the most objective way to address it.

Judge Gardner asked Director Scippa to explain what exactly the Committee's mission, purpose and authority is.

Director Scippa responded that this was part of the discussion:

- Do we need one?
- If we do, what would be the role, the mission, what authority is proposed, they have no authority, and do they just make a recommendation?
- How does it fit in, is it a separate entity?
- Does it go to the Office of Professional Licensure and Certification, which causes more confusion?
- OPLC only has hearings and reviews, investigates licenses that they issue. In that scenario, they would be investigating things that concern a certification that we issue, but they would investigate it.
- It doesn't make sense.
- It's confusing.

Judge Gardner commented if this was the Committee that came out of the LEACT proposal, she thought the concept was more that it would be an entity where the public would share their concerns, but they have no authority, no powers to do anything other than to make recommendations or referrals.

Different disciplinary actions from this new Committee, not only would it interfere with local police chiefs, towns, local authority and then Police Standards and Training Council, it sounds confusing.

Director Scippa will forward the notes taken by Beth Sargent to share the progress of the committee with the Council.

#### Part-Time Officer Certification Program

The meeting on September 24, 2021 contained a lot of discussion regarding training vs. the practicality of part-time certified officers in New Hampshire. Some agencies depend on the part-

time certification program. Marine Patrol and Hampton Police Department are two of them. Those two agencies address major influxes of tourists during the summer months.

There was a lot of discussion on how to balance the needs of those agencies that must contend with hundreds of thousands of people every year versus using a part-time police officer to take on the role of a full-time police officer in a small community, all by themselves. There is disparity on the way the part-time officers are used. We need to know:

- How they are used;
- When they are used; and
- What type of training they should receive.

We hope to have something completed for the Council to review, and be able to forward the information to Governor's office.

### LEOSA Program

LEOSA is a federal law under H.R. Bill 218 that allows retired police officers, retiring honorably, with at least ten years of service, to continue to certify with their firearm so that they can carry it across the country. It is a federal program with federal guidelines.

RSA 106-L contains two sections that allow PSTC to conduct the training, and provides immunity of liability to all instructors that deliver the LEOSA program.

Director Scippa would like to get the LEOSA program running, however, it is outside of the normal duties of a training specialist at PSTC. It would be run as a detail or overtime, an extra pay situation. He asked the Council to determine what the cost per person would be to run the program.

Would the Council support the development of a technical assistance manual and a program of study for LEOSA?

Chairman Connelly voiced his approval. He felt it contributed to public safety in the state. He offered to detail someone from Hillsborough County Sheriff's Office to assist at PSTC. He noting that the program was offered at no charge at his agency, if the person retired from there.

Mr. Lecius asked if Director Scippa had researched the number of people who may be interested in the program.

Director Scippa answered that he has had conversations with a number of local and federal officers whose agency they retired from and do not offer the program. He is unsure of how many retired officers would be interested. If it was known that the program was available at PSTC, the number would probably increase; it's an annual certification.

It would not take away the ability for local agencies to hold their own LEOSA program.

PSTC could provide an opportunity for anyone in the state who fits the criteria for LEOSA. The cost would be to pay the training specialist to come in and run the program. It would be on "off" hours, on a Saturday or an evening. Consideration would be made to the extra impact in the firing range, cleaning and maintenance for PSTC staff. The participants would be responsible for their own ammunition.

Commissioner Hanks commented that it was a "value added service," it is not on the budget. If the cost was budget neutral people would pay if it wasn't offered locally. The cost would fluctuate depending on the number of participants.

Chairman Connelly stated that if the academy embraces the concept, agencies that have hesitated to offer it due to the fact of the academy not being engaged in LEOSA may opt to get their own people involved.

Director Scippa said he would speak with the staff to decide on a number that would be budget neutral as an added value, and report to the Council at that time.

Chief Carignan advised that contacting agencies that provide the service to ask about the number of participants would be beneficial.

#### Building Rental

Director Scippa announced that he had received a request for rental of the parking lot at PSTC for a car show or car rally. The request was received the day before this meeting (September 27<sup>th</sup>).

He asked if the Council has allowed the rental of the parking lot. RSA 106-L allows the Council to set fees for the use of the facility and the grounds.

Director Scippa asked the Council if they would allow this group to use the parking lot as it would not impact the operation here as it would be on a Sunday.

Commissioner Hanks inquired about liability with members of the public in the parking lot.

Major Schultz answered that PSTC is not immune from liability for the property.

Attorney Moeser noted that agency personnel may be required to be present during the event.

Director Scippa explained that anyone using the firing range, tactical center, or using the inside of the building must execute a waiver.

Mr. Bishop noted that in the past at NHTI when they have rented the parking lot for car shows, there were incidents where engines were blown and left big puddles of oil.

Director Scippa announced that he would contact the individual who asked about renting and decline.

### September 17, 2021 Emergency Meeting

The Council held an emergency meeting on September 17, 2021 regarding Michael Pelletier, the minutes for that meeting were not completed before the agenda for the current meeting was complete. Chairman Connelly asked for a motion to accept the minutes.

Motion by Mr. Lecius, seconded by Commissioner Hanks to approve the minutes from the emergency meeting held on September 17, 2021. The voice vote was unanimous in favor of the motion, with Chairman Connelly, Chief Ho-Sing-Loy, Deputy Attorney General Young, Chief Carignan and Colonel Noyes abstaining from the vote.

### Financial Report

Major Shultz stated that the operating budget is where it should be at this time of year, 25% of the way through the fiscal year. There have not been many requests for reimbursements by agencies for the psychological testing of officers, 4% and \$2,835 spent. There is \$64,465 available to cover psychological testing.

### Bartlett Police Department, Pol 301.05 (g)

Corporal Justin Washburn was present with Bartlett Police Department's candidate, Patrick Murphy.

Major Parenteau explained that their request for a waiver was part of pre-employment eligibility. He read Pol 301.05 (g) into the record:

The hiring authority shall evaluate the results of its background investigation and the agency shall not appoint a person or invest with authority any person elected as a police, corrections or probation/parole officer, who:

(8) Has ever illegally manufactured, transported for sale, or sold a controlled substance as sale is defined in RSA 318-B:1, unless, upon review of the council at the request of a hiring authority, the council finds that:

a. Either:

1. The conduct occurred at an age when the applicant would have been considered a juvenile under the laws of the state of New Hampshire; or
2. Where a sale as defined in RSA 318-B:1 did occur, however, the intent was not for profit, meaning the actual conduct exhibited was not intended to result in an excess of financial return over the expenditure in a transaction or series of transactions;

Major Parenteau continued noting that "the definition of sale under RSA 318-B:1 "Sale" means barter, exchange or gift, or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee". He summarized that Patrick Murphy disclosed during his background investigation that when he was 18 years old living in Maine, a

friend gave him marijuana plants which he grew to maturity. He used the marijuana and shared some with a friend, it was never sold and he never made a profit from it.

Corporal Washburn further explained that currently Mr. Murphy was a full time lieutenant with the Carroll County House of Corrections, he has received numerous commendations from that agency. The Bartlett Police Department is asking for a waiver for Mr. Murphy through Pol 301.05 (g), the conduct and the age at which the conduct occurred.

Major Parenteau noted that it has been about 14 years since the incident.

When asked by Judge Countway, Mr. Murphy explained that he was a lieutenant at Carroll County House of Corrections, he'd been employed there for five years. He was promoted to sergeant within a year and a half of employment, and recently promoted to lieutenant. Prior to employment at Carroll County House of Corrections he was employed as an armed security guard in Des Moines, Iowa.

Motion by Mr. Lecius to approve the waiver request under administrative rule Pol 301.05 (g) by the Bartlett Police Department for Patrick Murphy, the motion was seconded by Judge Countway. The voice vote of the Council was unanimous in favor of the motion.

#### NH Department of Corrections Juan Ulloa-Labeet

Major Parenteau explained that Director Christopher Kench was present with Juan Ulloa-Labeet to request that Mr. Ulloa-Labeet be allowed to attend the ten classes that he failed to pass after the 30/60 day deadline from the 115<sup>th</sup> Correction's Academy during the 116<sup>th</sup> Correction's Academy and attempt to pass those classes, and to continue to work.

Motion by Chief Carignan, seconded by Sheriff Massahos to approve the waiver request by the NH Department of Corrections for Juan Ulloa-Labeet. The voice vote of the Council was unanimous in favor of the motion, with Commissioner Hanks recused.

#### New Hampshire Department of Corrections Jacob Tokarz

Major Parenteau explained that this request was similar to the previous request. Director Christopher Kench was present with Jacob Tokarz to request that Mr. Tokarz be allowed to take the four classes that he failed to pass after the 30/60 day deadline from the 115<sup>th</sup> Correction's Academy during the 116<sup>th</sup> Correction's Academy to allow him to pass the classes, and continue to work.

Motion by Judge Countway, seconded by Chief Russo to approve the waiver request by the NH Department of Corrections for Jacob Tokarz. The voice vote of the Council was unanimous in favor of the motion, with Commissioner Hanks recused.

#### Kennedy Richard, Chester Police Department, Pol 402.02 (a) (4) (c)

Chief Aaron Berube was present with Detective Kennedy Richard.

Dr. Sullivan announced that she would recuse herself from voting in the matter.

Major Parenteau was sworn in by Sheriff Connelly.

He summarized that PSTC staff received information that on September 9, 2021 Officer Richard of the Chester Police Department plead guilty to DWI First Offense, a violation of RSA 265-A:2 a Class B Misdemeanor. He read the rule,

“Pol 402.02 9(a)(4)(c) The council shall, unless it has just cause to do otherwise as provided in (e) below, order the suspension or revocation of the certification of any police or corrections officer for any of the following reasons:

(4) The officer has been convicted either prior to or after certification of a crime of moral turpitude or of a crime which tends to bring discredit on the police or corrections service, including but not limited to:

c. DWI;

“Section (e) The council shall apply a balancing test to determine whether factors constituting just cause outweigh the public interest in protecting the safety of the public or confidence in the criminal justice system, including maintaining the integrity of sworn law enforcement, if a violation of section (a) or (d) of this rule is found. If any just cause demonstrated by the officer outweighs the purpose of protecting the safety of the public or confidence in the criminal justice system including maintaining the integrity of sworn law enforcement, the council shall decline to order suspension or revocation.”

Major Parenteau summarized the law enforcement employment and certification history of Detective Kennedy Richard, and provided copies of the same as exhibits to the Council members.

Major Parenteau continued with additional documents as exhibits of the report of arrest of Kennedy Richard for DWI in the town of Lee on July 2, 2021, the complaint filed by Sergeant Justin Doty of the Lee Police Department, on July 3, 2021 at 12:01 a.m. Kennedy Richard committed the offense of DWI Impairment.

PSTC received further information that on September 9, 2021 Kennedy Richard plead guilty to DWI First Offense, at the District Court in Dover. He was fined \$500, and \$120 penalty assessment charge, license revoked for nine months, referred to an Impaired Driver Care Management Program, he must complete a substance use disorder evaluation within sixty days of the conviction and follow service orders. The nine month revocation of license may be reduced to 90 days due to participation in the Impaired Driver Care Management Program.

Major Parenteau finished the summary with the complaint and the court’s disposition.

The facts, he explained were as follows. A call was placed to the county dispatch about a vehicle traveling all over the road, which was tRoute 4. Sgt Doty from the Lee Police Department observed the vehicle pull into a parking lot, as it turned around, Sgt. Doty stopped the vehicle, the occupants were a male operator and a female passenger. The operator was Kennedy Richard.

Kennedy Richard exhibited many signs of impairment including glassy eyes, slurred speech, and difficulty with movements. He agreed to perform sobriety tests, he performed poorly on the tests. Sgt. Doty formed the opinion that Kennedy Richard was impaired and placed him under arrest. He was transported and processed at the Lee Police Department, where he refused the breathalyzer test. The report describes that Kennedy Richard was polite and professional during the encounter, he indicated that he was a retired Derry police officer currently working at Chester Police Department. According to the report, Kennedy Richard was confused about where he was, he thought he was in Massachusetts, when he was actually in Lee, he had been coming from a family gathering in Northwood.

He plead guilty and was present for the administrative hearing for violation of Pol 402.02 (4) (c), for final disposition by the Council.

Kennedy Richard was sworn in by Chairman Connelly.

- He began by stating that “he owned the situation”, and that he did not contest anything in court.
- He admitted “I did something foolish and I’m going to face whatever consequences I get”.
- “It won’t ever happen again, I don’t feel bad about my actions because of what I’m going through, but what my family is going through”.
- “There is no chance of this happening again, I’m depending on other people for rides”.
- “I will not contest anything or any action taken”.

Deputy Attorney General Young asked if the Council was notified about the arrest in July, as she did not attend that Council meeting.

When asked, Chief Berube stated that notification of the arrest had been made by his agency through Benchmark.

Major Parenteau noted that the plea was made quickly after the arrest. There was no time to schedule a temporary suspension hearing.

Chief Berube was sworn in by Chairman Connelly.

Chief Berube thanked the Council for their time and consideration. He noted that Mr. Richard retired after working 23 years with the Derry Police Department. He is part of CAC (Child Advocacy Center) and ICAC (Internet Crimes Against Children). Chief Berube had worked on investigations with Mr. Richard in Chester. Chief Berube learned that Mr. Richard was retiring from his position in Derry, and thought that Mr. Richard would be a valuable asset to the town of Chester. He was hired as a detective lieutenant, his position was later changed to detective when the agency’s structure was changed, that was his function.

- Kennedy Richard has changed the level of professionalism when dealing with victims
- He is a member of regional ICAC task force and always makes himself available
- Has performed investigations for Chester, and around the state.
- He is an asset to law enforcement
- He is a critical member of their agency

- He has been upfront about what happened.
- He has accepted responsibility for his actions on July 2<sup>nd</sup> and July 3<sup>rd</sup>
- When Mr. Richard called Chief Berube on July 5<sup>th</sup>, Chief Berube called Major Parenteau for instruction on how to proceed using Benchmark, to log the arrest
- As of July 5<sup>th</sup> when notice was made, Kennedy Richard was put into an administrative role which removed him from functioning as a police officer or representations as a police officer. He was removed from town vehicles, but completed functions within the agency at an administrative level, he is still holding that position.
- Mr. Richard has used this incident as a learning experience, and also a teaching moment. He's using the incident to teach other officers about how much it has impacted his life and what it is taking to get back on track. Chester is a small town and has less experienced officers, Mr. Richard has helped a lot with the new officers.
- Mr. Richard understands the severity and potential harm from the incident, he has made adjustments to his life so there would not be discredit to the law enforcement environment and this Council.
- On September 9<sup>th</sup> Mr. Richard plead guilty with nine months loss of license, and filed a motion to return, to be reduced after three months.
- Prior to the meeting, Chief Berube contacted the Lee Police Department who arrested Mr. Richard to be sure there was nothing that would bring discredit to law enforcement.
- Chief Dronsfield of Lee forwarded an email noting that Mr. Richard was a professional, and noted that the arrest of Mr. Richard has weighed on the Lee Police Department officer that arrested him. Chief Dronsfield also noted that he would make a recommendation to the Council regarding the ability to retain his certification.
- Mr. Richard has nearly completed the requirements, and they should be complete before the end of October. He is eligible to get his license back on November 2<sup>nd</sup>.
- Chief Berube asked the Council, if Mr. Richard is able to get his driver's license back, the chief would like to put him back into his position as soon as applicable.
- Mr. Richard has had correspondence with Chief Dronsfield of Lee. He learned that the sergeant that arrested him felt badly about having to make that arrest and take him into custody. He explained to Chief Dronsfield that the arresting officer, Sergeant Doty. was professional and courteous. Mr. Richard noted that he made a mistake and if he had continued driving he could have injured his wife, himself and someone else if he'd continued to drive. He respected and appreciated what Sergeant Doty had done.

There were no other charges.

Chief Carignan noted for disclosure that he had gone through the academy with Mr. Kennedy, but he had no contact with him other than that. He asked what steps were taken regarding the use of alcohol treatment, counseling, or psychological treatment.

Mr. Richard responded that he has completed the written test; he'll receive the results on Friday (October 1, 2021). He has enrolled for the driving education course on alcohol. He has paid the fee, it will start on October 18<sup>th</sup>.

Mr. Richard continued, explaining that the alcohol would never happen again. Because of what he did his wife and family have suffered.

Judge Countway asked about the operation and refusal. Mr. Richard stated that he knew he was intoxicated, he doesn't know what he did about the operation, he remembers turning in a parking lot thinking he was going in the wrong direction. Once he tried the test (SFST) he knew he was over the limit and refused the test (breathalyzer).

Colonel Noyes asked if there was an ALS form sent forward. Chief Berube answered that the form was submitted but it has been rescinded based upon the plead of DWI First Offense.

Chairman Connelly asked if there were further questions, then asked Major Parenteau about the Council's history for sanctions in DWI matters.

Major Parenteau explained that the Council has issued both no sanctions, and up to six month suspension. Research from prior Council meetings with hearings on DWI when Sheriff Prozzo was chairman were noted as between sixty and ninety days. Some have had their certification revoked. The average is the sixty and ninety day period, case specific, the conduct and the egregiousness of the act.

Chairman Connelly asked Council members if there was a motion in the matter.

Commissioner Hanks noted that in a similar case, there was a lot more information regarding treatment, the length of sobriety and commitment to it. We don't have that information in this case, the evaluation is not complete, the LADAC is scheduled for Friday. In order to have a balancing test for public safety, she would like more information to make an informed decision.

Judge Countway agreed, and asked motor vehicle history.

Chief Berube answered that there was no motor vehicle history, no criminal history, and no history of any discipline from the three agencies Mr. Richard has been employed.

Chief Carignan commented and inquired,

- thirty years in law enforcement is a long time, and we all know that we are dealing with mental health issues a lot.
- Would it be appropriate to make a recommendation for a psychological assessment, so an expert can delve into the alcohol issue?

Chief Russo agreed, and would like to look at that assessment and the LADAC, and address the matter after receiving that information.

Judge Gardner was in agreement, and noted,

- considering he was a detective involved ICAC and a lot of very sensitive and traumatic cases a psychological might be worthwhile for his benefit.
- She also remarked that she sits in the Dover court, but that this was not a case she was involved in.

Judge Gardner stated that she was inclined to make a motion to table until next month until there is more information, and an opportunity to get a psychological test.

Chief Russo added, table to the next meeting depending on the LADAC results?

Commissioner Hanks asked would it be a temporary suspension, should his certification be temporarily suspended, pending additional information? There has been a course of misconduct based on the rules.

Major Parenteau noted that a temporary suspension is reserved for pending court action. The Council could suspend with requirements to be re-heard at a later date.

Mr. Lecius inquired if it could be tabled pending successful psychological evaluation, completion of the court ordered treatment and restoration of his driving privileges.

Major Parenteau responded that there must be a suspension to carry the matter along, at this point it's his certification, not the court penalties.

Deputy Attorney General Young was recognized by Chairman Connelly.

She stated that her concern is

- this is an officer with 30 years on the job, he didn't know where he was, he thought he was in Massachusetts.
- I would suspend him and give a window if wants to come back in six or nine months to address this again.
- Today we have to take some action, this is a problem, it was the grace of God he didn't kill himself, his family or somebody else.

Chief Berube asked if he had the opportunity to respond.

Chief Berube stated that he understood everyone's concerns, they will stay transparent, and provide the best outlook for law enforcement. A suspension will devastate his agency. He asked if he could offer his own recommendation, he would agree to a psychological evaluation, whatever the Council's will, ultimately a psychological evaluation, any and all Council requirements under state law and then suspend until the next meeting, or two meetings to provide a follow up to the Council in regards to what actions have been taken and the results of the psychological exam.

Sheriff Connelly asked for further discussion. Judge Gardner withdrew her motion to table the matter.

Motion by Deputy Attorney General Young, to revoke for the period of time of the DWI, nine months. Kennedy Richard must return and show cause why his certification should be reinstated, it's not automatic. The motion was seconded by Commissioner Hanks.

Chief Berube asked for clarification, if the state reduces the time would it reduce the Council's decision.

Deputy Attorney General Young responded that it would not change her motion.

Judge Gardner, speaking about the court's orders, noted that she is reluctant to back date anything, from loss of license from that date on, unless the person was willing to take responsibility and come in on that backdated date and because the courts are so backlogged, they haven't been able to schedule a lot of cases. She was unsure whether that is what happened or if it was a negotiated settlement.

Deputy Attorney General Young responded that on the document the date of the plea is 9/9 and the loss of license was effective of 8/02.

Chief Berube responded that it was accurate. Kennedy Richard had his license for thirty days under the ALS, after the 30 day mark he went under suspension, based upon his guilty plea to DWI the agency withdrew the ALS, and that started the license loss for DWI. That is accurate it was August 2<sup>nd</sup> for license loss.

Sheriff Connelly noted that there was a pending motion, and confirmed with Deputy Attorney General Young.

Motion by Deputy Attorney General Young, to revoke for the period of time of the DWI, nine months. Kennedy Richard must return and show cause why his certification should be reinstated, it's not automatic. The motion was seconded by Commissioner Hanks. The voice vote of the Council was unanimous in favor, the exception of Judge Gardner and Chief Carignan opposed, and with Dr. Sullivan and Sheriff Massahos abstaining from the vote.

The motion carried.

#### Michael Pelletier New Hampshire State Police

Major Parenteau summarized that on September 17, 2021 there was an emergency meeting of the Council held to hear facts and take action on the certification of Michael Pelletier. The order in the matter was to temporarily suspend the certification until the meeting today. The order included language for a notice to appear for today's meeting had been mailed.

Major Parenteau was contacted by Michael Pelletier's attorney, Jake Krupski. Attorney Krupski stated that Michael Pelletier had notified New Hampshire State Police on September 22, 2021 that he was going to retire.

Major Parenteau received an employee status Form B from Colonel Noyes indicating that Mr. Pelletier had been discharged.

Attorney Krupski communicated that he could not attend the hearing scheduled for today, he is arguing a Supreme Court matter, but he is asking to Council to accept the voluntary surrender of

Michael Pelletier's certification, due to Mr. Pelletier's retirement. Mr. Pelletier doesn't intend to seek law enforcement employment in the future. Mr. Pelletier doesn't dispute Pol 402.02 (b), and the hearing is unnecessary.

Major Parenteau provided the letter to the Council members for their review.

The form of record from New Hampshire State Police states that Michael Pelletier has been discharged, not that he was retired.

Michael Pelletier is currently under a temporary order of suspension, he has been discharged by New Hampshire State Police. Any action from the Council would be moot, as he is no longer a police officer. There is a 30 day lapse of certification, but his certification is currently under suspension.

The question for the Council is whether to discuss the voluntary surrender, but not acknowledge the fact that he's retiring, he's not retired yet.

Sheriff Connelly asked, if the Council votes to accept the surrender it closes the door on the suspension action that took place on September 17<sup>th</sup>, but does not alter the form of record as far as his discharge from New Hampshire State Police on the Employee Status Form B. Major Parenteau agreed, currently, there is no ability to bring him in for a temporary suspension hearing which is what the order stated. He is no longer employed. What Attorney Krupski wrote in the letter is that, it's not concrete, that he's not going to seek law enforcement employment, that's Attorney Krupski saying that. The courts can certainly take action depending on the outcome of the case, they can place an order if there is a conviction that he will not be a police officer in the state of New Hampshire. The issue with the letter is that the letter says "retired". Sheriff Connelly interjected that there is a process involved with retirement.

Major Parenteau noted that he wouldn't be eligible for retirement right away, he can apply but he has to do so at least 30 days ahead of the retirement date. He can resign and say "I'm retired" if he's got the time in, there is nothing to prohibit him from seeking retirement and starting that process. At this point we know that he has been discharged.

Major Parenteau said he would put a letter in his file that if he were to seek employment, there would be a hearing on the matter.

Judge Countway, stated,

- "I'm confused in that we did an emergency proceeding and we gave him the opportunity to appear, and he's not here.
- My inclination is to say, we suspend.
- I think as a Council it's important for us publicly to take our action and his lawyer can write whatever he wants,
- He didn't appear and he didn't ask to continue, I think we need to take action".

Major Parenteau noted that there was no appearance because he was dismissed.

Judge Countway stated, for the purposes of the record it would be important for the Council to say he didn't appear to contest this so we're going to make it a permanent revocation.

Major Parenteau said the letter stated he wasn't contesting Pol 402.02

Judge Countway, suggested that the Council take action in a vote and say that his certification is revoked.

Motion by Judge Countway to revoke the certification of Michael Pelletier, the motion was seconded by Commissioner Hanks. The voice vote of the Council was unanimous in favor of the motion with Chief Carignan, Deputy Attorney General Young, Sheriff Connelly and Colonel Noyes abstaining from the vote.

The motion passed.

#### Consent Calendar

Officer Michael Buckley, Manchester Police Department, (DOH: 09/12/21) Will be granted certification upon successful completion of the medical exam, and entrance fitness test, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Officer Kevin O'Shea, Strafford County Sheriff's Office (DOH: 08/19/21) Will be granted certification upon successful completion of the medical exam, and entrance fitness test, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

#### 9. Requests for Extensions

Note: Extensions granted until the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the requested Academy.

#### \*Full Time Academy

Class Number	186	187
Dates	08/30/21-12/17/21	01/04/2022-04/22/2022
Paperwork Submission Deadline *	08/21/2021	12/06/21
Fitness Test Date	08/16/2021	12/20/2021

**\*\*Part Time Academy**

<b>Class Number</b>	281
<b>Dates</b>	07/24/2021-11-19/2021
<b>Paperwork Submission Deadline *</b>	06/26/2021
<b>Fitness Test Date</b>	07/10/2021

**\*\*Corrections Academy**

<b>Class Number</b>	116
<b>Dates</b>	09/07/2021-11/12/2021
<b>Paperwork Submission Deadline *</b>	08/09/21
<b>Fitness Test Date</b>	08/23/21

**\*\*All paperwork by the submission deadline, which is before 4:30 PM close of business. Class size may be limited. If so, the attendees will be determined after successful completion of the Entrance Fitness Test, based on the received order of the completed applications.**

Medical Extension for Fitness Testing

Gregory LaVallee, Alton Police Department has been granted a six month

Motion to accept the consent calendar by Mr. Lecius, seconded by Chief Russo. The Council vote was unanimous in favor of the motion, with Deputy Attorney General Young abstaining from the Michael Buckley item.

The motion passed.

Judge Gardner asked about an item from the August meeting regarding the prior training and experience request by the New Hampshire Department of Corrections for James Iseman.

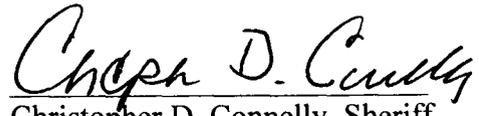
Major Parenteau explained that James Iseman was under suspension for a failed fitness test and that Mr. Iseman must complete the fitness test at PSTC in order for the request to be considered.

Commissioner Hanks asked about forming a committee to address rule changes in Pol 301.05 the Background Investigation rule. Director Scippa noted that Pol 301.05 was one of the rules currently in the process of being amended.

Motion to adjourn at 10:45 a.m. by Dr. Sullivan, seconded by Colonel Noyes, the voice vote of the Council was unanimous.

October 26, 2021

Respectfully Submitted

  
Christopher D. Connelly, Sheriff  
Chairman

To: All NHPSTC Council Members  
FROM: Director John Scippa  
DATE: September 28, 2021  
RE: Director's Monthly PSTC Council Report

**Academy and In-Service Training:**

1. Full Time, Part Time and Corrections Academies are all in session at different waypoints.
2. In-Service Training Bureau is in full swing. Benchmark LMS 3/2s are all live with many officers taking the classes. A number of traditional classroom in-service classes have been identified from RFPs and contracts will be presented to G+C for approval.
3. We are hosting a number of free in-service classes delivered by FLETC in the next few months here at PST.
4. In-Service/On-Line Bureau reports Benchmark is live and running smoothly.

**Budget:**

1. Still waiting to hear on the applications filed for the two COPS grants. Operating budget is within normal limits.

**Outreach, Education and Legislation:**

1. Still working with JLCAR on final rule changes.
2. We continue to address a number of 91-A requests for regulatory documents and curriculum. We continue to work with our civil attorney to respond to these requests.

**Staff and Operations:**

1. Proud to welcome and introduce Major Maxim Schultz as the new LETS III for PSTC. Major Schultz has extensive experience in NH Law Enforcement and was most recently the Assistant Director of the NH Fire Marshal's office.
2. The two open BSW positions have been advertised. We are finalizing the filling of one of those open positions now.
3. The budget for FY 22-23 contained four new positions, two full time and two part time. We have an additional PT LETS position that had been vacated by Lt O'Shea. We have been allowed to advertise for one of the PT LETS and the Full Time LETS. Possible offer going to a PT candidate this week. Full Time position

closes this Friday. Still waiting to hear on the SJD for the FT Instructional Design position.

### **Open Action Items:**

1. Firearms Upgrade: This has been completed. All firearms have been issued and the firearms inventory that was used for trade has been picked up by the vendor.
2. "Wet Labs" Discussion: Our civil attorney has reviewed the proposed liability waiver and has approved it for use. It appears that we are ready to re-institute this program for the January session.
3. Boiler Replacement Project: The Company that was awarded the contract has advised us that they will not be able to complete the project until this spring. This is due to the reduction in manufacturing of the parts needed for the project. Parts of the project are being delivered and stored here in preparation of the project.
4. JTA: Is Completed! I have included the Executive Summary of the study as part of this email. Further, I met with the project lead and project coordinator yesterday. There will be a follow-up support project during this academic year to add further value to this work.
5. Police Misconduct Committee: There have been a number of meetings that I have attended as a committee member. During these meetings, there has been some limited discussion to diminish authority and reduce oversight of the PST Council as a possible plan going forward. A final report will be sent to the Governor by the committee, per HB2, on or before November 1, 2021.

### **Pending Action Items:**

1. Curriculum Review: Based on recommendations made by the Governor's Commission on police accountability, existing curriculum will need to be augmented and or re-written. JTA has identified some areas that need to be addressed. We will begin those efforts in the next few months.
2. Discussion on Part Time Certification: The LEACT GO 2020-19 mandates that NHPSTC lead a discussion and make findings on the Part Time Certification Program. Our first meeting was held on September 24th. 16 stakeholders representing 5 counties and 3 state agencies participated.
3. Citizenship Committee: Still a pending item.

### **Discussion Items:**

1. LEOSA program-Determine a cost per person to begin running the program here.
2. Building Rental Requests. Is there a fee that the council has already determined?